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2002 DEC 10 PM 3:15

SACRAMENTO COURTS
DEPT. #53 #54

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,
a state agency,

Plaintiff,

v.

AGUA CALIENTE BAND OF CAHUILLA
INDIANS, and DOES I-XX,

Defendants.

Case No. 02AS04545

DECLARATION OF DAN SCHEK IN
OPPOSITION TO MOTION TO
QUASH

Date: December 20, 2002

Time: 2:00p.m.

Dept: 53

Judge: Hon. Loren McMaster

Action filed July 31, 2002

No Trial Date Set

I, Dan Schek declare:

1. I am over the age of 18 years. My business address is: Fair Political Practices
Commission, 428 J Street, Suite 620, Sacramento, CA 95814. The facts set forth herein are personally
known to me, and if called upon to testify, I could and would competently do so. I am submitting this

1 declaration in support of the California Fair Political Practices Commission's opposition to the motion
2 to quash filed by the Agua Caliente Band of Cahuilla Indians.

3 2. I am an Investigator III employed by the Enforcement Division of the Fair Political
4 Practices Commission (FPPC), and have been so employed since April 4, 2002. I was hired as an
5 Investigator I with the Enforcement Division of the FPPC on February 14, 2000. I served in that
6 capacity until March 1, 2001, when I was promoted to Investigator II. I served in that capacity until I
7 was promoted to Investigator III, as set forth above. Prior to my employment with the FPPC, I was
8 employed in an investigative capacity for over 5 years by the Sacramento County District Attorney's
9 Office and the Sacramento County Sheriff's Department.

10 3. As an Investigator with the Enforcement Division of the FPPC, I am assigned by my
11 supervisors to conduct investigations of possible violations of the Political Reform Act (the "Act," Gov.
12 Code § 81000 et seq.). I have conducted investigations in over 140 cases involving alleged violations
13 of the Act during my employment with the Enforcement Division. With regard to investigating
14 possible violations of the campaign reporting violations of the Act, my duties often entail the thorough
15 review of campaign statements filed by possible violator(s), and comparison of such campaign
16 statements with the campaign statements of other persons involved in campaign transactions with the
17 possible violator(s). Such cross-checking of campaign statements is a fundamental investigative tool in
18 almost any campaign reporting investigation. I normally also review the campaign financial records of
19 violators to verify the nature of transactions that may or may not have been reported on campaign
20 statements. Access to the campaign financial records of possible violators is another fundamental
21 investigative tool in almost any campaign reporting investigation. Absent these investigative tools, it
22 would be nearly impossible to develop sufficient evidence to determine whether a given campaign
23 reporting violation has been committed.

24 4. On August 14, 2000, I was assigned to investigate a number of gaming entities that were
25 the subjects of a complaint filed by Common Cause, alleging possible violations of the campaign
26 reporting provisions of the Act. Among the gaming entities that were the subjects of the complaint,
27 were a number of Indian tribes, including the Agua Caliente Band of Cahuilla Indians. As the
28 Common Cause complaint involved numerous entities and allegations, there was substantial

1 investigation done to determine the validity of the complaint and whether any violations of the Act had
2 been committed. This involved the time-consuming task of obtaining and reviewing numerous hard-
3 copy campaign statements, because electronic filing of campaign reports was not in effect for the
4 period of the alleged violations.

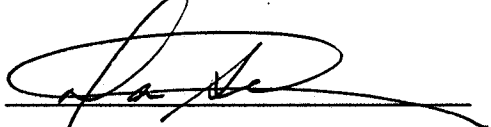
5 5. At one point in the investigation, it was determined that a number of the violations in the
6 Common Cause complaint had merit. Among the entities for which there was apparent merit to the
7 allegations in the Common Cause complaint was the Agua Caliente Band of Cahuilla Indians (the
8 “Agua Caliente Band”). In keeping with my normal practice for investigating suspected violations of
9 the reporting requirements of the Act, I have personally obtained and examined all potentially relevant
10 hard-copy and electronically filed campaign statements of the Agua Caliente Band. I compared these
11 campaign statements with a number of campaign statements filed by recipients of contributions from
12 the Agua Caliente Band to determine if any violations were committed. This was a very time-
13 consuming process, because it entailed obtaining the Agua Caliente Band’s 1998 campaign statements
14 in hard-copy form from the archives of the Secretary of State, and extracting information from those
15 statements so that the relevant data could be analyzed. As is also my normal investigative practice, I
16 reviewed subsequent campaign statements by the Agua Caliente Band and by recipients of
17 contributions made by the Agua Caliente Band, to determine if there was a continuing pattern of
18 violations being committed into the present. In the course of my investigation, I developed evidence
19 that the Agua Caliente Band had committed numerous serious violations of the campaign reporting
20 provisions of the Act through the beginning of 2002.

21 6. I have obtained from the Secretary of State and from the Secretary of State’s website all
22 available verified semi-annual campaign statements that the Agua Caliente Band filed in hard copy and
23 electronically with the Secretary of State from 1998 through the present. I have reviewed all of these
24 statements, and using an Excel software program, I have personally prepared a chart showing the Agua
25 Caliente Band’s aggregate contribution activity, broken out yearly by recipient categories for state
26 candidates, statewide propositions, local candidates, and political action committees from 1998 through
27 the present. A true and complete copy of this chart is attached hereto and incorporated herein by
28 reference as Exhibit A.

1 7. Additionally, I have obtained from the Secretary of State and from the Secretary of
2 State's website all available verified semi-annual campaign statements for 18 California tribes and
3 tribal gaming entities filed in hard copy and electronically with the Secretary of State from 1998
4 through the present. I have reviewed the contribution summary pages for all of these statements, and
5 using an Excel software program, I have personally prepared a chart showing aggregate contribution
6 activity for each tribe/entity, broken out yearly from 1998 through the present. A true and complete
7 copy of this chart is attached hereto and incorporated herein by reference as Exhibit B.

8 8. Within the last three months, I have done research regarding the contribution activity of
9 the Agua Caliente Band. Based upon this research, I determined that from January 1, 2001 through
10 June 30, 2002, the Agua Caliente Band made contributions to approximately 107 of 120, or
11 approximately ninety percent (90%), of the incumbent state legislators. From January 1, 2000 through
12 the present, the Agua Caliente Band contributed to the Governor, Lieutenant Governor, Attorney
13 General, Secretary of State, State Controller, State Treasurer and members of the Board of
14 Equalization. In 2000, the Agua Caliente Band contributed at least \$50,000 to a committee supporting
15 the passage of Proposition 34; and in 2002, it contributed at least \$45,000 to a committee supporting
16 the passage of Proposition 45. Both of these propositions involved major changes to the state electoral
17 system.

18 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
19 true and correct. Executed on December 9, 2002 at Sacramento, California.

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21 
22 Dan Schek, Investigator III
23 Fair Political Practices Commission
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